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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,123

03/10/2004

Kiyoo Morita

Q80239

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23373 7590 12/12/2006

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/796,123	Applicant(s) MORITA ET AL.	
	Examiner Scott Haugland	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18, 20, 21 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18, 20, 21 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/06 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-18, 20, 21, and 25-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 11, lines 10-11, claim 15, lines 10-11, and claim 16, lines 16-17 is inaccurate since the reference holes 10a and 10b are disclosed as being in surfaces on a side of the cartridge.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 14-18, and 21, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (U.S. Pat. No. 3,655,145).

Olsen discloses a magnetic tape cartridge comprising a generally rectangular cartridge case in which a single reel wound with a magnetic tape is rotatably housed. A drawing-out member 74 is provided at one end of the magnetic tape. A magnetic tape drawing-out port 56 is provided on a side surface of the cartridge case at a position apart from a corner of said cartridge case. The magnetic tape drawing-out port 56 is provided between a position corresponding to a screw hole 32 (bottom right of cartridge in Fig. 1) used for assembling upper and lower cases 16, 18 provided in the corner of said cartridge case, and a position corresponding to a reference hole (88, 68, 70, or 32 in the upper right of Fig. 1) provided in the vicinity of a central portion of the cartridge case. The magnetic tape is capable of being drawn out of the magnetic tape drawing out port by the drawing-out member 74. The surface of the cartridge case provided with the reference hole is not a side surface of the cartridge case to the extent that the surfaces in which holes 10a, 10b in Applicants' apparatus are not side surfaces.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen.

Olsen is described above.

Olsen does not explicitly state that the central portion of the tape drawing-out port is located at a position apart from the corner of said cartridge case by a distance equivalent to approximately one quarter of an edge length of the side of the cartridge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the tape drawing-out port 56 at a position apart from the corner of said cartridge case so that its central portion is approximately one quarter of the edge length of the side of the cartridge from the corner since Olsen shows the port in that location and it would have been clear that locating the port at that location would have been fully capable of operating as desired.

Response to Arguments

Applicants' arguments filed 8/22/06 have been fully considered but they are not persuasive.

Applicants argue, in connection with the rejection under 35 U.S.C. 112, second paragraph, that reference holes 10a and 10b are not in a side surface of Applicants' tape cartridge. However, the surface shown in Fig. 4 in which the holes 10a and 10b are located is clearly on a side of the cartridge case. No reasonable interpretation of the term "side" in view of Applicants' specification would rule out consideration of this surface as a side surface. Note, for example, Applicants' use of the term "upper side" in the abstract to refer to this side.

Applicants argue that reference hole 88 of Olsen is in a side surface of a cartridge and, therefore, does not meet the limitations of claim 11. However, the surface in which reference holes 10a and 10b disclosed by Applicant are located is a side surface as much as the surface of the Olsen cartridge in which hole 88 is located is. The same is true of the surfaces including holes 68, 70, and 32 in the Olsen cartridge. The holes 88, 68, 70, and 32 (upper right in Fig. 1) are, therefore, seen to read on the claimed reference holes. Additionally, holes 68, 70, and 32 are in a side surface that is perpendicular to the axis of the reel as in Applicants' disclosed cartridge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

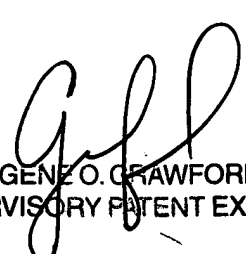
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


sjh

11/30/06


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER